

State of Rhode Island and Providence Plantations

Journal of the Senate

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the fourth day of January in the year of Our Lord two thousand and five.

Volume 132, No. 26

Tuesday, March 15, 2005

Twenty-sixth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:13 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senators absent as follows:

PRESENT – 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisenena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Roberts

INVOCATION

The Honorable President, by unanimous consent, presents Senator Perry, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Perry, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Thursday, March 10, 2005 proceedings is read in part.

Upon suggestion of Senator Perry, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

GUESTS

Upon suggestion of Senators Tassoni and Polisenia and by unanimous consent, the Honorable President welcomes to the Chamber S. Jean Cerroni, Kerri Polseno, Jane Yeoman.

Upon suggestion of Senator Breene and by unanimous consent, the Honorable President welcomes to the Chamber Bill Felkner.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointment and requesting the advice and consent of the Senate thereto:

March 10, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Article 10, Section 4 of the Rhode Island Constitution entitled Judicial Selection, I have made the following appointment as Associate Justice of the Rhode Island Workers' Compensation Court:

ROBERT E. HARDMAN of NARRAGANSETT

VICE

ASSOCIATE JUSTICE GEORGE E. HEALY, JR.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES**COMMITTEE ON FINANCE**

Senator Alves, from the Committee on Finance, reports back, with recommendation of passage of the following measures:

Senate Bill No. 467 as amended

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY (reimbursement to Jamestown school bus drivers who pay a toll for use of the Newport Bridge in the transport of students).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 833

BY Senators Paiva-Weed, Fogarty P, Gibbs

ENTITLED, AN ACT RELATING TO TAXATION (amend laws for tax exempt artistic communities to include parts of Newport and Tiverton).

Read and ordered to be placed on the Calendar

COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT

Senator Caprio, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Senate Bill No. 21

BY Senators Bates, Felag, Levesque C

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BRISTOL

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 133

BY Senator Blais

ENTITLED, AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY TAX EXEMPTION

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 194**BY** Senators Gibbs, Sosnowski, DaPonte, Blais, Breene**ENTITLED**, AN ACT RELATING TO ZONING ORDINANCES ("parking areas")

Read and ordered to be placed on the Calendar

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Senator Roberts, for the Committee on Health and Human Services, reports back the following measures, with recommendation of transfer to the Committee on Finance:

Senate Bill No. 473**BY** Senator Revens**ENTITLED**, AN ACT RELATING TO MEDICAL ASSISTANCE (no restrictions including prior authorization required on medications used to treat mental illnesses).

Read and referred to the Committee on Senate Finance

Also:

Senate Bill No. 568**BY** Senators Polisena, Damiani, Raptakis**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES.

Read and referred to the Committee on Senate Finance

Also:

Senate Bill No. 815**BY** Senators Alves, McBurney, Doyle, Issa, Walaska**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- ALL-INCLUSIVE CARE FOR THE ELDERLY (authorize and initiate a state program for all-inclusive care for the elderly).

Read and referred to the Committee on Senate Finance

Also:

Senate Bill No. 904**BY** Senators Revens**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN (changes to law/protection and treatment of children)

Read and referred to the Committee on Senate Finance

TRANSFER OF BILLS

Senator Roberts, for the Committee on Health and Human Services, reports back the following measure, with recommendation of transfer to the Committee on Commerce, Housing and Municipal Government:

Senate Bill No. 212

BY Senators Tassoni, Ciccone, Polisena, McBurney

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- PUBLIC RESTROOMS ("eat in" restaurants).

Read and referred to the Committee on Commerce, Housing and Municipal Government

FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following measure:

House Bill No. 5817 as amended

BY Coderre E, Ginaitt, Kilmartin, Crowley, Lima

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS (abolish several boards and commissions)

Read and referred to the Committee on Government Oversight.

NEW BUSINESS**Senate Bill No. 952**

BY Senator Breene

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS (establish a municipal court in the town of Exeter).

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 953

BY Senators Doyle, Tassoni, Goodwin, Issa

ENTITLED, AN ACT RELATING TO GAMBLING AND LOTTERIES (total authorized winnings at bingo games increased to \$62,000).

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

Senate Bill No. 954 (General Treasurer)**BY** Senators Ruggerio, Goodwin, Badeau, Paiva-Weed**ENTITLED**, AN ACT RELATING TO BOND INDEBTEDNESS (authorize general treasurer to employ financial consultants in connection with issuance of bonds).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 955**BY** Senators Tassoni, Goodwin, Polisena, Ruggerio, McCaffrey**ENTITLED**, AN ACT RELATING TO EDUCATION - PERFORMANCE ENHANCING DIETARY SUPPLEMENTS (ban sale of certain dietary supplements to minors).

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 956**BY** Senators Ruggerio, Goodwin, Lanzi, Tassoni, Damiani**ENTITLED**, AN ACT RELATING TO LABOR AND PAYMENT OF DEBTS BY CONTRACTORS (Dept. Labor & Training to fine violators of prevailing wage law w/o court action).

Read and referred to the Senate Committee on Labor

Also:

Senate Resolution No. 957**BY** Senators Gibbs, Felag, Levesque C, Perry**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE RHODE WARRIOR 121 TEAM FOR PLACING FIRST IN THE 2005 "FOR INSPIRATION AND RECOGNITION OF SCIENCE AND TECHNOLOGY" REGIONAL ROBOTICS COMPETITION.

Senator Gibbs requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gibbs moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, IS read and passed, upon a voice vote:

1 2005-H 6204**BY Watson****ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF THE ACADEMY PLAYERS****ANNOUNCEMENTS**

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Ciccone announces that the Committee on Labor will meet Wednesday, March 16, 2005, at 3:00 o'clock P.M. in Room 212 of the State House.

Senator Polisenia announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Bates announces that the Committee on Financial Services, Technology and Regulatory Issues will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:22 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR RHODA E. PERRY

Lord, with your guidance, may we be kind in our judgments, diligent in our wisdom, and humble in our power. Amen.

Appendix

CALENDAR

IN ORDER FOR THURSDAY, MARCH 17, 2005:

1 2005-S 21

BY Bates

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BRISTOL

Committee on Commerce, Housing & Municipal Government recommends passage.

2 2005-S 133

BY Blais

ENTITLED, AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY TAX EXEMPTION

Committee on Commerce, Housing & Municipal Government recommends passage.

3 2005-S 194

BY Gibbs

ENTITLED, AN ACT RELATING TO ZONING ORDINANCES

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2005-S 467 as amended

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Committee on Finance recommends passage as amended.

5 2005-S 833

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO TAXATION

Committee on Finance recommends passage.

Tuesday, March 15, 2005